

EDUARDO E. PASCUAL, PLAINTIFF AND APPELLEE, VS. DIRECTOR OF LANDS AND SECRETARY OF AGRICULTURE AND NATURAL RESOURCES, DEFENDANTS AND APPELLANTS.

G.R. No. L-15816. February 29, 1964

Ponente: DIZON, J.

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DIZON, J.:

Appeal taken by the Director of Lands and the Secretary of Agriculture and Natural Resources from the judgment of the Court of First Instance of Tarlac in Civil Case No. 3277 entitled "Eduardo E. Pascual vs. Director of Lands and Secretary of Agriculture and Natural Resources", of the following tenor:

"In view of all the foregoing, the Court renders judgment in this case to the following effect:

A. Declaring as null and void the decision of the Director of Lands dated May 21, 1955, as concurred in by the Undersecretary of Agriculture and Natural Resources, in so far as the said decision denied to plaintiff Eduardo E. Pascual the prior right of entry in the lands in question;

B. Declaring plaintiff Eduardo E. Pascual as entitled to the rights granted in Section 102 of Commonwealth Act No. 141, thereby ordering the defendant Director of Lands to allow plaintiff to file his application over Lot Nos. 672 and 674 of the Cadastral Survey of Ramos, in question, and allow him to show that he is qualified to be granted a prior right of entry.

Without special pronouncement as to cost."

It appears that several years before 1954 one Valente Ramos (now deceased) leased from the government Lot Nos. 672 and 674 of the Cadastral Survey of Ramos, Tarlac. On June 22, 1954, Eduardo Pascual filed with the Office of the Director of Lands, pursuant to the provisions of Section 102 of Commonwealth Act No. 141, a petition for the cancellation of the lease contract aforesaid, on the ground that Ramos had failed to pay the rentals on the lands for seven years and the taxes thereon since 1947, and on the further ground that he and his successors-in-interest had not cultivated the property nor introduced improvements thereon, in violation of the terms and conditions of the lease.

Acting on Pascual's petition, the Director of Lands ordered the Provincial Land Officer to investigate the case and submit his report to the District Land Officer for appropriate action. After the investigation, in the course of which Pascual and the heirs of Ramos appeared and presented evidence, the Director of Lands, with the concurrence of the Undersecretary of Agriculture and Natural Resources, ordered the cancellation of the contract of lease aforementioned on the ground that Ramos had failed to pay the rentals and the land taxes from 1948 and 1947, respectively, but denied to Pascual the preferential right of entry to the lands covered by the cancelled contract of lease, on the ground that Ramos' lease would have been cancelled irrespective of Pascual's petition. Pascual elevated the case to the Office of the President but his appeal was dismissed for lack of merit. Thereafter he commenced the present action for certiorari in the Court of First Instance of Tarlac against the Director of Lands and the Secretary of Agriculture and Natural Resources to annul the aforementioned decision insofar as it denied

him the preferential right of entry over Lots, 672 and 674. The answer filed by the Director of Lands alleged that Pascual had no priority right of entry over the lots in question and that, as the decision had not yet been implemented by him, Pascual had no personality to assail the same.

Upon the facts stated above, the decisive question to be determined in this appeal is the correctness of the ruling of the trial court upholding appellee's claim to a prior right of entry. In this connection, it appears that Section 102 of Commonwealth Act No. 141 provides that any person, corporation, or association may file an opposition under oath to any application under the act, grounded on any reason sufficient thereunder for the denial or cancellation of the application or the denial of the patent or grant, and that should the application be denied or the patent cancelled, the oppositor shall, if qualified, be granted a prior right of entry for a term of sixty (60) days from notice.

In disposing of the appeal interposed by appellee to the Office of the President mentioned heretofore, the Executive Secretary, acting for the Chief Executive, said the following:

"The preferential right of entry granted under Section 102 of the Public Land Law applies where there was no prior entry upon public land, or where the contestant or claimant is at the same time an occupant of the land and his contest is founded, among other things, on the ground of prior occupancy or cultivation of the land in question.

"In the case at bar applicant, thru tenants, has been in continuous occupation of the land in question since 1919. As found in the investigation, he has never abandoned the land, about more than half of which is planted to various food crops such as rice corn, beans and tomatoes,

"Appellant, it is true, proved that Ramos' successors in interest have not paid the rentals from March 6, 1949, up to and including March 6, 1955, amounting to P6,318.32 and the real estate taxes thereon from 1947 to 1954 in the amount of P4,939.95. This delinquency in the payment of taxes and rentals caused the cancellation and termination of the contract of lease by the Director of Lands. Appellant now claims right of entry by virtue of having proved grounds 1 and 2 of his protest.

"But these facts are of public record and the Director of Lands could have *motu proprio* caused the cancellation of the lease contract without Pascual's protest. Appellant is a stranger to the case, being neither an applicant or an occupant. He merely brought to the attention of the Director of Lands applicant's continued delinquency in the payment of rent and taxes.

"The policy in the disposition and concession of public land is to give priority or preference to the actual occupant. Thus, in cases of lease the law requires "that no lease shall be permitted to interfere with any prior claim "by settlement or occupation, until" the consent of the occupant or settler is first had, or until such claim shall be legally extinguished * * *. (Section 33, Commonwealth Act No. 141). If anyone should be given prior right of entry at all, it should be the actual occupants who have presented several petitions for the subdivision and sale of the land to them."

It is well settled that the contemporaneous interpretation given by administrative officials to a law they are duty bound to enforce or implement deserves great weight (*Madrigal vs. Rafferty*, 38 Phil. 423; *Government etc. vs. Municipality of Binalonan* 32, Phil. 364). In the present case, it appears that the trial court reversed not only the decisions of the Director of Lands and of the Secretary of Agriculture and Natural Resources but that of the Office of the President, without the record disclosing, in our opinion that the same are clearly erroneous and unfounded. To the contrary, they appear to be in consonance with the purpose of the law invoked by appellee, namely, to give priority or preference to the actual occupant of public land—which appellee is not. In view of the view we take of the case, we find it unnecessary to decide the other points raised by appellants.

Wherefore, the decision appealed from is reversed, with the result that the complaint filed in the lower court is

dismissed. With costs.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepción, Reyes, J. B. L., Barrera, Paredes, Regala and Makalintal, JJ., concur.

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